

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOEL EICHENHOLTZ, Individually and On) Case No. C 07-6140 MHP
Behalf of All Others Similarly Situated,)
Plaintiff,)
v.)
VERIFONE HOLDINGS, INC., DOUGLAS)
G. BERGERON, and BARRY)
ZWARENSTEIN,)
Defendants.)
PETER LIEN, Individually and On Behalf of) Case No. C 07-6195 JSW
All Others Similarly Situated,)
Plaintiff,)
v.)
VERIFONE HOLDINGS, INC., DOUGLAS)
G. BERGERON, and BARRY)
ZWARENSTEIN,)
Defendants.)

**STIPULATION AND [PROPOSED]
ORDER CONSOLIDATING RELATED
CASES**

Judge: The Hon. Marilyn H. Patel
Courtroom: 15

<p>1 BRIAN VAUGHN and MIRIAM LOGAN,) On Behalf of Themselves and All Others) Similarly Situated,)) 3 Plaintiffs,)) 4 v.)) 5 VERIFONE HOLDINGS, INC., DOUGLAS) G. BERGERON, and BARRY) ZWARENSTEIN,)) 7 Defendants.))</p> <hr/> <p>8 ALBERT L. FELDMAN and ELEANOR) JEAN FELDMAN, Individually and On) Behalf of All Others Similarly Situated,)) 10 Plaintiff,)) 11 v.)) 12 VERIFONE HOLDINGS, INC., DOUGLAS) G. BERGERON, and BARRY) ZWARENSTEIN,)) 14 Defendants.))</p> <hr/> <p>15 DONALD CERINI, Individually and On) Behalf of All Others Similarly Situated,)) 16 Plaintiff,)) 17 v.)) 18 VERIFONE HOLDINGS, INC., DOUGLAS) G. BERGERON, and BARRY) ZWARENSTEIN,)) 20 Defendants.))</p> <hr/> <p>22 23 24 25 26 27 28</p>	<p>Case No. C 07-6197 VRW</p> <p>Case No. C 07-6218 MMC</p> <p>Case No. C 07-6228 SC</p>
--	--

1	WESTEND CAPITAL MANAGEMENT)	Case No. C 07-6237 MMC
2	LLC, Individually And On Behalf of All)	
2	Others Similarly Situated,)	
3	Plaintiff,)	
4) v.)	
5) VERIFONE HOLDINGS, INC., DOUGLAS)	
6) G. BERGERON, and BARRY)	
6) ZWARENSTEIN,)	
7	Defendants.)	
8	<hr/> KURT HILL, On Behalf of Himself and All)	Case No. C 07-6238 MHP
9	Others Similarly Situated,)	
10	Plaintiff,)	
11) v.)	
12) VERIFONE HOLDINGS, INC., DOUGLAS)	
12) G. BERGERON, and BARRY)	
13) ZWARENSTEIN,)	
14	Defendants.)	
15	<hr/> DANIEL OFFUTT, Individually and On)	Case No. C 07-6241 JSW
15	Behalf of All Others Similarly Situated,)	
16	Plaintiff,)	
17) v.)	
18) VERIFONE HOLDINGS, INC., DOUGLAS)	
19) G. BERGERON, and BARRY)	
19) ZWARENSTEIN,)	
20	Defendants.)	
21	<hr/> EDWARD FEITEL, on behalf of himself and)	Case No. C 08-0118 CW
22	all others similarly situated,)	
23	Plaintiff,)	
24) v.)	
25) VERIFONE HOLDINGS, INC., DOUGLAS)	
25) G. BERGERON, and BARRY)	
26) ZWARENSTEIN,)	
27	Defendants)	
28	<hr/>	

Pursuant to Fed. R. Civ. P. 16(d), Civil L.R. 23-1(b), and the Manual for Complex Litigation, Fourth §§ 11.12, 11.21, and 31 (2004), the parties stipulate, and the Court hereby orders, as follows:

CONSOLIDATION OF RELATED CASES

1. The following nine actions arise out of the same transactions and occurrences and involve the same or substantially similar issues of law and/or fact, and, therefore, are related cases within the meaning of Civil L.R. 3-12:

Abbreviated Case Name	Case Number	Date Filed
<i>Eichenholtz v. VeriFone Holdings, Inc. et al.</i>	C 07-6140 MHP	12/04/07
<i>Lien v. VeriFone Holdings, Inc. et al.</i>	C 07-6195 JSW	12/06/07
<i>Vaughn et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6197 VRW	12/06/07
<i>Feldman et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6218 MMC	12/07/07
<i>Cerini v. VeriFone Holdings, Inc. et al.</i>	C 07-6228 SC	12/10/07
<i>Westend Capital Management LLC v. VeriFone Holdings, Inc. et al.</i>	C 07-6237 MMC	12/10/07
<i>Hill v. VeriFone Holdings, Inc. et al.</i>	C 07-6238 MHP	12/10/07
<i>Offutt v. VeriFone Holdings, Inc. et al.</i>	C 07-6241 JSW	12/11/07
<i>Feitel v. VeriFone Holdings, Inc., et al.</i>	C 08-0118 CW	01/07/08

2. Pursuant to Fed. R. Civ. P. 42(a), the above-listed cases are hereby reassigned to United States District Judge Marilyn H. Patel and consolidated into Civil Action C 07-6140 MHP for pretrial proceedings before this Court. The consolidated action shall be captioned: "*In re VeriFone Holdings, Inc. Securities Litigation.*"

3. All related actions that are subsequently filed in, or transferred to, this District shall be consolidated into this action for pretrial purposes. This Order shall apply to every such related

1 action, absent order of the Court. A party that objects to such consolidation, or to any other provision of
2 this Order, must file an application for relief from this Order within thirty (30) days after the date on
3 which a copy of the order is mailed to the party's counsel.

4. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

MASTER DOCKET AND CAPTION

5. The docket in Civil Action No. C 07-6140 MHP shall constitute the Master Docket for this action.

6. Every pleading filed in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE VERIFONE HOLDINGS, INC.) Master File No.
SECURITIES LITIGATION) C 07-6140 MHP

This Document Relates To: _____)

7. The file in Civil Action No. C 07-6140 MHP shall constitute a Master File for every action in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Document Relates To:". When a pleading applies only to some, but not all, of the actions, the document shall list, immediately after the phrase "This Document Relates To:", the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action (*e.g.*, "No. CV 07 6140 (Doe)").

8. The parties shall file an Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 3-12, whenever a case that should be consolidated into this action is filed in, or transferred to, this District.

PLEADINGS AND MOTIONS

9. Defendants are not required to respond to the complaint in any action consolidated into this action, other than a consolidated complaint or a complaint designated as the operative complaint.

10. The consolidated complaint shall be the operative complaint and shall supersede all complaints filed in any of the actions consolidated herein.

11. Following the appointment of Lead Plaintiff in this action and the filing of the consolidated complaint, Defendants shall respond to the consolidated complaint within sixty (60) days after service, unless otherwise agreed upon by the parties.

Dated: January 18, 2008

/s/ Brendan P. Cullen
Brendan P. Cullen (SBN 194057)
SULLIVAN & CROMWELL LLP
1870 Embarcadero Road
Palo Alto, California 94303
Telephone: (650) 461-5600
Facsimile: (650) 461-5700

Michael H. Steinberg (SBN 134179)
SULLIVAN & CROMWELL LLP
1888 Century Park East
Los Angeles, CA 90067
Telephone: (310) 712-6600
Facsimile: (310) 712-8800

Attorneys for VeriFone Holdings, Inc.,
Douglas G. Bergeron, and Barry
Zwarenstein

1 *I, Brendan P. Cullen, am the ECF user whose User ID and Password are being used to*
2 *file this STIPULATION AND [PROPOSED] ORDER CONSOLIDATING RELATED CASES. In*
3 *compliance with General Order 45, X.B, I hereby attest that the other signatories listed have concurred*
4 *in this filing.*

5 Dated: January 18, 2008

6 _____
7 /s/ Brendan P. Cullen
8 Brendan P. Cullen (SBN 194057)
9 SULLIVAN & CROMWELL LLP
10 1870 Embarcadero Road
11 Palo Alto, California 94303
12 Telephone: (650) 461-5600
13 Facsimile: (650) 461-5700

14 Attorneys for VeriFone Holdings, Inc.,
15 Douglas G. Bergeron, and Barry
16 Zwarenstein

17 Dated: January 18, 2008

18 _____
19 /s/ Aaron M. Sheanin
20 Daniel C. Girard (SBN 114826)
21 Jonathan K. Levine (SBN 220289)
22 Aaron M. Sheanin (SBN 214472)
23 GIRARD GIBBS LLP
24 601 California Street, Suite 1400
25 San Francisco, CA 94108
26 Telephone: (415) 981-4800
27 Facsimile: (415) 981-4846

28 Attorneys for Joel Eichenholtz

1 Dated: January 18, 2008

2 _____
3 /s/ Reed R. Kathrein
4 Reed R. Kathrein (SBN 139304)
5 HAGENS BERMAN SOBOL SHAPIRO
6 LLP
7 715 Hearst Avenue, Suite 202
8 Berkeley, CA 94710
9 Telephone: (510) 725-3000
10 Facsimile: (510) 725-3001

11 Lewis S. Kahn
12 KAHN GAUTHIER SWICK, LLC
13 650 Poydras Street, Suite 2150
14 New Orleans, LA 70130
15 Telephone: (504) 455-1400
16 Facsimile: (504) 455-1498

17 Attorneys for Peter Lien

1 Dated: January 18, 2008

2 /s/ Reed R. Kathrein

3 Reed R. Kathrein (SBN 139304)
4 HAGENS BERMAN SOBOL SHAPIRO
5 LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001

6 Lewis S. Kahn
7 KAHN GAUTHIER SWICK, LLC
8 650 Poydras Street, Suite 2150
New Orleans, LA 70130
Telephone: (504) 455-1400
Facsimile: (504) 455-1498

9 Attorneys for WestEnd Capital
10 Management LLC

11 Dated: January 18, 2008

12 /s/ Francis M. Bottini, Jr.

13 Frank J. Johnson (SBN 174882)
14 Francis M. Bottini, Jr. (SBN 175783)
15 Brett M. Weaver (SBN 204715)
16 Derek J. Wilson (SBN 250309)
JOHNSON BOTTINI, LLP
655 West Broadway, Suite 1400
San Diego, CA 92101
Telephone: (619) 230-0063
Facsimile: (619) 233-5535

17 Attorneys for Brian Vaughn and Miriam
18 Logan

19 Dated: January 18, 2008

20 /s/ Lesley Ann Hale

21 Joseph J. Tabacco, Jr. (SBN 75484)
22 Nicole Lavallee (SBN 165755)
Lesley Ann Hale (SBN 237726)
BERMAN DEVALERIO PEASE
TABACCO BURT & PUCILLO
425 California Street, Suite 2100
San Francisco, CA 94104
Telephone: (415) 433-3200
Facsimile: (415) 433-6382

23 Attorneys for Albert L. Feldman and
24 Eleanor Jean Feldman

1 Dated: January 18, 2008

2 /s/ Alan R. Plutzik

3 Alan R. Plutzik (SBN 077758)
4 L. Timothy Fisher (SBN 191626)
5 SCHIFFRIN BARROWAY TOPAZ &
6 KESSLER, LLP
7 2125 Oak Grove Road, Suite 120
Walnut Creek, CA 94598
Telephone: (925) 945-0770
Facsimile: (925) 945-8792

8 Attorneys for Donald Cerini

9 Dated: January 18, 2008

10 /s/ Linda M. Fong

11 Laurence D. King (SBN 206423)
Linda M. Fong (SBN 124232)
KAPLAN FOX & KILSHEIMER LLP
350 Sansome Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 772-4700
Facsimile: (415) 772-4707

12
13 Joel B. Strauss
Jeffrey P. Campisi
KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue, 14th Floor
New York, NY 10022
Telephone: (212) 687-1980
Facsimile: (212) 687-7714

14
15 Jeffrey A. Klafter
KLAFTER & OLSEN LLP
1311 Mamaroneck Avenue, Suite 220
White Plains, NY 10605
Telephone: (914) 997-5656
Facsimile: (914) 997-2444

16
17 Kurt B. Olsen
KLAFTER & OLSEN LLP
1250 Connecticut Avenue, N.W. Suite 200
Washington, DC 20036
Telephone: (202) 261-3553
Facsimile: (202) 261-3533

18 Attorneys for Kurt Hill

1 Dated: January 18, 2008

2 /s/ Ramzi Abadou

3 Shawn A. Williams (SBN 213113)
4 COUGHLIN STOIA GELLER RUDMAN
5 & ROBBINS LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: (415) 288-4545
Facsimile: (415) 288-4534

6 Darren J. Robbins (SBN 168593)
7 David C. Walton (SBN 167268)
8 Ramzi Abadou (SBN 222567)
COUGHLIN STOIA GELLER RUDMAN
9 & ROBBINS LLP
10 655 West Broadway, Suite 1900
11 San Diego, CA 92101
12 Telephone: (619) 231-1058
13 Facsimile: (619) 231-7423

14 Attorneys for Daniel Offutt

15 Dated: January 18, 2008

16 /s/ Linda M. Fong

17 Laurence D. King (SBN 206423)
Linda M. Fong (SBN 124232)
KAPLAN FOX & KILSHEIMER LLP
350 Sansome Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 772-4700
Facsimile: (415) 772-4707

18 Joel B. Strauss
19 Jeffrey P. Campisi
KAPLAN FOX & KILSHEIMER LLP
20 850 Third Avenue, 14th Floor
New York, NY 10022
Telephone: (212) 687-1980
Facsimile: (212) 687-7714

21
22 Karen Hanson Riebel
LOCKRIDGE GRINDAL & NAUEN
P.L.L.P.
100 Washington Avenue South, Suite 2200
23 Minneapolis, MN 55401
Telephone: (612) 339-6900
Facsimile: (612) 339-0981

24 Attorneys for Edward Feitel

1
2 **ORDER**
3
4

5 THE FOREGOING STIPULATION
6 IS APPROVED AND IS SO ORDERED.
7
8

9 Dated: _____
10
11

12 THE HONORABLE MARILYN PATEL
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28